

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

FER 5 2001

OFFICE OF
MANAGING DIRECTOR

86-285

Ms. Maribeth M. Leiber
Administrative Assistant
Renda Broadcasting Corporation
1459 Crane Avenue
Broadcast Plaza
Pittsburgh, PA 15220-4098

RE: Request for Waiver of Late Charge
Penalty for FY 1998 Regulatory Fees
Renda Broadcasting Corporation
Fee Control No. 9811238835072005

Dear Ms. Leiber:

This is in response to the request for waiver of the late charge penalty for late payment of the Fiscal Year (FY) 1998 regulatory fees, filed on behalf of Renda Broadcasting Corporation. You argue that you were not responsible for the late penalty charge because your fee payment failed due to bank error in declining credit card payment. You include with your request a letter from NationsBank, dated September 9, 1998, which states that your credit limit has been increased to \$35,000.00; a copy of the credit card statement for the period ending September 26, 1998, showing that the credit line was \$35,000.00 and the balance available was \$29,965.71 (the amount to be billed to the credit card was \$20,000.00); and a letter from NationsBank/Bank of America, dated July 9, 1999, stating that the bank did not actually increase your credit limit to \$35,000.00 until November 8, 1998.

The Commission's rules provide that if "a fee payment fails due to error by the payor's bank, as evidenced by an affidavit of an officer of the bank, the date of the original submission will be considered the date of filing." 47 CFR § 1.1164. Although you have not submitted an affidavit of an officer of the bank, we will accept the supporting documentation that you have provided to evidence that the fee payment failed due to bank error. Therefore, the payment is considered to be timely and no late penalty is due.

Ms. Maribeth M. Leiber

2

If you have any questions concerning this letter, please call the Revenue & Receivable Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger", with a large, stylized initial "M" and a long, sweeping horizontal stroke.

Mark A. Reger
Chief Financial Officer

981122 30350 72005 * 412-531-7259
980930 8835 106001
RENDA BROADCASTING CORPORATION
1459 Crane Avenue
Broadcast Plaza
Pittsburgh, PA 15220-4098

Phone: (412) 531-0314

Fax: (412) 531-7259

July 15, 1999

Ms. Claudette E. Pride
Federal Communications Commission
Credit & Debt Management Center
Washington, D.C. 20554

Reference No. 98-9-0818

Dear Ms. Pride:

Thank you for taking the time to speak with me on June 30, 1999, relative to the above matter.

At that time, I explained the situation surrounding the imposition of the fine ~ that we had originally wanted to charge \$20,000 of the Regulatory Fees to our Visa account when they were filed with the FCC on September 9, 1998. On September 15, 1998, the Commission advised us that the Visa charge was declined. We immediately called the bank and had our line of credit increased from \$15,000 to \$35,000 and resubmitted the filing. When I noticed that a charge had not been made against our account for the \$20,000 fee, I called your office numerous times to ascertain what the status of the filing was. Unfortunately, I was able to speak with many people, but no one who could give me the proper information. Finally, on November 19, 1998, we issued a check in the amount of \$20,000 to the FCC to make certain the fees were paid in full.

Unbeknownst to us, when the credit limit on our Visa account was increased, we were not advised that the account was going to be converted to a Platinum Account and a different account number (a letter from the bank at the time of the increase is enclosed). It was not until we received our October invoice that we became aware of the fact that the account we were asking the Commission to charge the fee to was no longer active ~ that a new number was issued (a copy of the upper portions of our September-November invoices evidencing the conversion is enclosed).

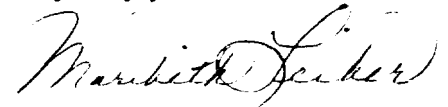
Ms. Claudette E. Pride
Federal Communications Commission

July 15, 1999

As per your request, we have secured a letter from the bank that will attest to our explanation. We sincerely feel that the penalty assessed in this matter should be waived and will appreciate the Commission's consideration of same.

Should you require any additional information or have any questions, please feel free to call me.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Maribeth M. Leiber".

Maribeth M. Leiber
Administrative Assistant

Enclosures (3)

file
NationsBank of Delaware, N.A.
P.O. Box 7028
Dover, DE 19903-7028

NationsBank

September 9, 1998

Anthony F. Renda
Crane Avenue
C/o Renda Broadcast Cor
Pittsburgh, PA 15220-0000

ACCT. NO.: 4356-0280-0216-1761
CURRENT BALANCE: \$11,513.21

Dear Anthony F. Renda:

We are pleased to let you know that the credit limit on your Dividend Miles Visa account referenced above has been increased to \$35,000.00.

We hope you will continue to use and enjoy the advantages of your account. If we can be of service at any time, please call us.

Sincerely,

Richard Walker

Richard Walker
NationsBank Card Services
Credit Department
1-800-274-5060

NATLCR180
USA-USA-0711004163



NationsBank

July 9, 1999

ANTHONY F RENDA
C/O RENDA BROADCAST COR
CRANE AVENUE
PITTSBURGH PA 15220

RE: 4427 1100 0225 3296

Dear Ms. Kelly:

Our records indicate the above referenced account was upgraded from a Visa Gold credit card account on October 21, 1998. The credit limit on this account was increased from \$15,000.00 to \$35,000.00 on November 8, 1998. We trust you find this information helpful.

Ms. Kelly, Bank of America appreciates the opportunity to assist you. Should you have any questions or concerns, please contact our Customer Service Department at 1-800-732-9194, 24 hours a day, 7 days a week.

Sincerely,

Mrs. M. Ferguson

Mrs. M. Ferguson
Correspondence Department

RENDA BROADCASTING CORPORATION
1459 Crane Avenue
Broadcast Plaza
Pittsburgh, PA 15220-4098

Phone: (412) 531-0314

Fax: (412) 531-7818

November 19, 1998

Federal Communications Commission
c/o Mellon Bank
Three Mellon Bank Center
525 William Penn Way
27th Floor, Room 153-2713
Pittsburgh, PA 15259-0001

Attention: FCC Module Supervisor

To whom it may concern:

On September 15, 1998, we received an Unprocessable Application Return Form relative to the Regulatory Fees for Renda Broadcasting Corporation (*see attached*). On September 18, 1998, we returned the filing to you, together with a check in the amount of \$7,100.00; the additional \$20,000.00 due was to be applied to our Visa account. To date, that amount has not shown on our Visa bills. Therefore, in order to avoid further delay and confusion, we are submitting a check in the amount of \$20,000.00 to cover the remaining monies due the FCC for Regulatory Fees.

Thank you for your consideration in this matter.

Very truly yours,



MARYANN KELLY
Vice President/Controller

MAK:mmI

Enclosures

RENDA BROADCASTING CORPORATION

**1459 Crane Avenue
Broadcast Plaza
Pittsburgh, PA 15220-4098**

Phone: (412) 531-0314

Fax: (412) 531-7818

September 18, 1998

Federal Communications Commission
c/o Mellon Bank
Three Mellon Bank Center
525 William Penn Way
27th Floor, Room 153-2713
Pittsburgh, PA 15259-0001

Attention: FCC Module Supervisor

To whom it may concern:

Enclosed please find the Regulatory Fee filing returned to us because usage of our Visa account to pay for same was declined. I sincerely apologize for any inconvenience that may have caused. I called the bank and we are, however, able to charge \$20,000.00 of the \$27,100.00 fee on our Visa account. Representing the difference is a check in the amount of \$7,100.00, which is included.

Thank you for your assistance with this matter. Should you have any questions, please feel free to call me.

Very truly yours,

**MARYANN KELLY
Vice President/Controller**

MAK:mm1

Enclosures

FEDERAL COMMUNICATIONS COMMISSION
UNPROCESSABLE APPLICATION RETURN FORM

DATE: Sept. 15, 1998

Renda Broadcasting Corp.
1459 Crane Avenue
Broadcast Plaza
Pittsburgh, PA 15220-4098

Dear Ms. Kelly

This is to notify you that your application package is being returned for the following reason(s):

- [] No application/filing accompanied your submission.
- [] No remittance accompanied your submission.
- [] No Remittance Advice Form (FCC Form 159) accompanied your submission.
- [] The amount remitted and/or Payment Type Code is incorrect.
- [] The Remittance Advice Form is incomplete.
- [] Multiple transactions are not accepted for this Payment Type Code. Each transaction must be listed separately on the Remittance Advice Form.
- [] When filing for more than one applicant and paying with a single remittance, you must include them all on one Remittance Advice Form. Please use Advice (Continuation Sheet) (FCC Form 159-C) if additional entries are necessary.

☒ Other: Credit Card payment was decline.

Please refer to the enclosed fee filing guide for further instructions, and mail your corrected application, Remittance Advice Form, and payment to the appropriate P.O. Box in Pittsburgh, Pennsylvania.

If you have further questions, please contact the Billings & Collections Branch at (202) 418-1995.

Sincerely,


Regina W. Dorsey, Chief
Billings & Collections Branch

Enclosure